

JAN 3 - 2007

FCC - MAILROOM

## BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

AFFIDAVIT

RE: EXEMPTION FROM FEDERAL CLOSED  
CAPTIONED VIEWING REQUIREMENTS  
FOR OUTDOORSMEN PRODUCTIONS, LLC

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF CEDAR     )

DOCKET FILE COPY ORIGINAL

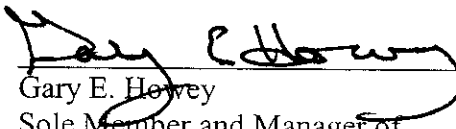
Gary Howey, sole member and manager of Outdoorsmen Productions, L.L.C., 405 North Broadway, Hartington, Nebraska, 68739-0354, being first duly sworn, deposes and states as follows:

1. I transmitted a letter request to this Commission and was informed to submit a sworn affidavit in support of my request for a closed captioned exemption. A copy of that transmittal letter is attached hereto and incorporated by reference herein as Appendix "A." The contents set forth therein are true and correct in all respects.
2. Total gross income of my business (Outdoorsmen Productions, L.L.C.) for calendar year 2006 is \$78,362.13 as set forth in attached and incorporated Appendix "B."
3. The relevant income statement is attached hereto and incorporated by reference herein as Appendix "C."
  - A. Closed Captioned expenses for Outdoorsmen Productions, L.L.C., are \$200.00 per week as set forth on attached and incorporated Appendix "D."
  - B. My business videos reflect hunting, fishing and other related game and fishing type events and the market is limited basically to outdoor hunters and fishermen consumer type demand. Since that is the limit of my expertise, I do most all of the outdoor hunting and fishing myself, filmed to present to a very limited public market.

C. The cost of closed captioning my films makes my outdoor hunting and fishing films cost prohibitive and unprofitable to continue absent an exemption from this Commission.

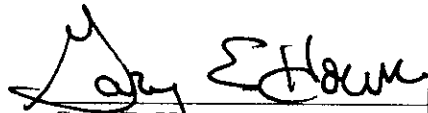
WHEREFORE, above premises considered, your affiant respectfully requests and prays that this Commission issue an exemption from closed captioning for Outdoorsmen Productions, L.L.C.

Respectfully submitted,

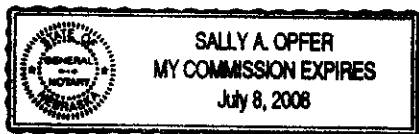
  
\_\_\_\_\_  
Gary E. Howey  
Sole Member and Manager of  
Outdoorsmen Productions, L.L.C.

OATH

I, Gary E. Howey, being first duly sworn, depose and say that the contents of this Affidavit are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Gary E. Howey

Subscribed and sworn to before me by Gary E. Howey this 28<sup>th</sup> day of December, 2006.



  
\_\_\_\_\_  
Notary Public

**Outdoorsmen Productions LLC**  
405 N. Broadway, Box 354  
Hartington, NE. 68739-0354  
402-254-3266

December 27, 2006

Office of the Secretary  
Federal Communications Commission  
Attention: CGB 3-B431  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Sirs:

I'm writing to request about an exemption on the close captioning rule that went into effect last January.

Since it went into affect, we've been closed captioned, but the cost of doing it is creating such a financial hardship on my company that I'm not sure how much longer I can continue.

I'm a disabled Viet Nam veteran (spinal, neck and hearing) that recently started a new business, Outdoorsmen Productions LLC with the help of the Veteran's Administration.

When we put together the business plan, close captioning was not in the picture, now it's a major part of the cost of running my company.

Last year, we had to pay a minimum of \$210.00 each week in order to get our show close captioned.

My original thought was to approach sponsors to help pay for the additional cost, since it was something that would help hearing-impaired customers.

Since that time, there is little or no interest in it because of the extraordinary cost associated with getting it done.

The cost to have the show close captioned for the year comes to over \$8,840.00 with my gross income for this year being \$78,362.13. This is a fee that I can not afford to pay.

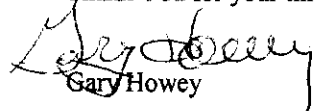
This along with the fact that I have to over night the tape to Minneapolis to get it captioned adds to the cost and forces me to move my work schedule up putting us at least one week behind.

My company is very small; (one contract employee and myself) so time and excess funds are not something that we have a lot of.

The cost of the close captioning is forcing me to make some business decisions I'm not looking forward to making.

If the show will need to be closed captioned, the excess cost may force me to close the business.

Thank You for your time and any help you might be able to give me!

  
Gary Howey

Cc: Senator Chuck Hagel

B

Decembers income is an additional \$10,078.93 for a total income for 2006 of \$78,362.13

C

**GARY E HOWEY**  
**INCOME STATEMENT**

**For the 1 Month and 11 Months Ended November 30, 2006**

	1 Month Ended November 30, 2006	11 Months Ended November 30, 2006
<b>Business Receipts</b>		
4010 - Gross Receipts or Sales	\$ 5,087.14	\$ 68,283.20
4020 - Rent	3,045.00	3,045.00
4990 - Miscellaneous Income	0.00	0.00
<b>Total Business Receipts</b>	<u>8,132.14</u>	<u>71,328.20</u>
<b>Cost of Goods Sold</b>		
5010 - Beginning Inventory	0.00	7,500.00
5020 - Purchases	0.00	0.00
5021 - TV Production Cost	0.00	10,950.00
5023 - Printing Cost	0.00	0.00
5024 - Merchandise & Other Expenses	380.30	9,500.35
5025 - Cost Of Labor	0.00	0.00
5026 - Jared Adamson	1,442.16	12,125.74
5027 - Glen Biermann	0.00	0.00
5028 - Scott Bonertz	0.00	0.00
5029 - Kevin Kennedy	0.00	0.00
5030 - Emily Whitney	0.00	2,596.77
5031 - Dan Griffitt	0.00	44.00
5100 - Other Costs	0.00	0.00
5101 - Sales Tax Paid	0.00	31.42
5990 - Less: Ending Inventory	0.00	(7,500.00)
<b>Total Cost of Goods Sold</b>	<u>1,822.46</u>	<u>35,248.28</u>
<b>Gross Profit</b>	<u>6,309.68</u>	<u>36,079.92</u>

# Quicken Find

D

Page 1

Date	Acct	Num	Payee	Cat	Memo	Clr	Amount
7/3/06	Outdoorsmen Pr...	1051	Ron Schara Enterprises	Editing	Closed captioning	c	-1,460.00
6/26/06	Outdoorsmen Pr...	1038	Ron Schara Enterprises	Editing	Closed captioning	c	-1,260.00

\$ 2720.<sup>00</sup> for 1<sup>st</sup> Qtr = 13 wks  
 C.C. Cost <sup>\$</sup> 200 per week